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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 21, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 4:22-CR-06041-MKD-1

Plaintiff,

ORDER DENYING
DEFENDANT'S MOTION TO
REDUCE SENTENCE

v.

RUBEN GALVAN-TRUJILLO (1),

ECF No. 220

Defendant.

Before the Court is Defendant Ruben Galvan-Trujillo's (1) Motion to

Reduce Sentence Pursuant [to] Safety Valve/5K1.1 Motion for Mandatory

Minimum of 120 Months, ECF No. 220. This is Defendant's second motion for a

sentence reduction since he was sentenced on February 7, 2024. *See* ECF Nos.

187, 199, 213. At the time of sentencing, Defendant's guidelines range was 135 to

168 months' incarceration; he received a low-end guidelines sentence of 135

months' incarceration. ECF Nos. 187, 199, 200.

Defendant appears to be seeking a sentence reduction under 18 U.S.C.

§ 3582(c)(1)(A)(i) or (2) on the ground that he should have qualified for the safety

ORDER - 1

1 valve, under 18 U.S.C. § 3553(f); relief from the statutory minimum sentence
2 based on substantial assistance, under 18 U.S.C. § 3553(e); or a downward
3 departure based on substantial assistance, under USSG § 5K1.1. *See* ECF No. 220
4 at 1 (paraphrasing language from 18 U.S.C. § 3553(e), (f)(1)(A) and (f)(2)).

5 Defendant's safety-valve eligibility was a contested issue at sentencing; after
6 hearing argument from counsel for Defendant and the United States, the Court
7 found Defendant was ineligible based on his failure to meet the requirements of
8 18 U.S.C. § 3553(f)(5). There is no indication in the Plea Agreement, the
9 arguments at sentencing, or elsewhere in the record that Defendant provided (or
10 attempted to provide) substantial assistance to qualify for relief from the statutory
11 minimum or a downward departure.

12 Moreover, Defendant provides no authority indicating that a defendant may
13 relitigate his ineligibility under 18 U.S.C. § 3553(e), (f), or USSG § 5K1.1 by
14 moving for a sentence reduction under Section 3582(c). Several district courts
15 have rejected similar arguments. *See, e.g., United States v. Picazo-Torres*, No. 17-
16 537-2, 2024 WL 4008191, at *4 (S.D. Texas Aug. 28, 2024) (rejecting safety-valve
17 argument raised in a Section 3582(c) motion); *United States v. Trujillo-Linares*,
18 No. 19-CR-3097, 2024 WL 5170286, at *1-2 (D. Neb. Dec. 19, 2024) (same);
19 *United States v. Hernandez*, No. 14-CR-160, 2022 WL 608001, at *2 (N.D. Texas
20 Jan. 3, 2022) (dismissing motion for "post-judgment sentence reduction under

1 § 5K1.1" for lack of jurisdiction under Section 3582(c)); *Barcliff v. United States*,
2 No. 14-CR-3, 2022 WL 2032297, at *2-3 (S.D. W. Va. May 2, 2022) (denying
3 Section 3852(c) motion that included challenges to the denial of 5K1.1 and 18
4 U.S.C. § 3553(e) relief at sentencing).

5 Defendant otherwise raises arguments that concern his rehabilitation in
6 custody, remorse, lack of other criminal history, and family ties. The Court took
7 these factors into account at the time of Defendant's sentencing. Moreover, these
8 factors do not constitute sufficient grounds for a sentence reduction under
9 18 U.S.C. § 3582(c).

10 Accordingly, **IT IS HEREBY ORDERED:**

11 1. Defendant Ruben Galvan-Trujillo's (1) Motion to Reduce Sentence
12 Pursuant [to] Safety Valve/5K1.1 Motion for Mandatory Minimum of 120 Months,
13 **ECF No. 220**, is **DENIED**.

14 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
15 and provide copies to the United States, Defendant Ruben Galvan-Trujillo (1), and
16 the U.S. Probation Office.

17 DATED May 21, 2025.

18 s/Mary K. Dimke
19 MARY K. DIMKE
20 UNITED STATES DISTRICT JUDGE